LIABILITY ON JOINT AND SEVERAL CONTRACTS. — The principles of liability on joint and several contracts and the modifications of these principles by courts of equity and by the legislatures are expounded at some length in a recent article. *Liability of Parties Who Are at the Same Time both Jointly and Severally Liable Ex Contractu*, by Walter L. Chaney, 57 Central L. J. 283 (Oct. 9, 1903). Founded on the analogy of joint-tenancy, says Mr. Chaney, the law of joint and several contracts has developed to satisfy the increasing demands of industry, so that if a contract to-day expressly or by the implied intention and interests of the parties demands it, a liability is imposed on all the promisors together and on each separately. Statutes in some jurisdictions, he continues, have changed the general rule of the common law that all the promisees must join to enforce this liability, and that they must enforce it against either all the promisors together or against each separately. On the principle of *res adjudicata* the weight of authority holds that a joint judgment bars further action on the several contracts, and that individual judgments against the several promisors bar any joint action. Then follows an exposition of the special rules of discharge, liability of personal representatives, contribution, exoneration, subrogation, set-off, and bankruptcy. All partnership contracts, he says, are made joint and several by statutes in England and several of the states, and in others they are so considered in equity for the purpose of satisfying creditors. Finally, in fifteen or more states statutes have made joint contracts joint and several, and for the benefit of the promisees have removed many of the technicalities of the common law. As the authorities both old and recent are freely cited throughout the article, it should prove a useful supplement to previous expositions of the subject.

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WATER OVERFLOWING FROM WATERCOURSES. — In certain portions of the United States the right of property owners to protect themselves against flood waters has become an important question, and one which has thrown the courts into considerable confusion. The conflicting decisions are collected and discussed in the current number of the American Law Review. *The Right of Landowners to Deflect upon the Lands of Others Waters Overflowing from Watercourses*, by J. L. Lockett, 37 Am. L. Rev. 713 (Sept.–Oct. 1903). The writer shows that a landowner may not interfere with a watercourse, but, by the so-called common law rule as opposed to the civil law rule, he may protect himself in a reasonable way from surface water, even to the damage of his neighbors. Following this distinction of fact, some jurisdictions hold flood waters of a river part of the watercourse and will not allow them to be deflected; others consider them surface water and allow the landowner to protect his land though the result will be increased damage to adjoining owners. Such conflicting decisions are inevitable, suggests Mr. Lockett, so long as courts attempt to bring flood waters regularly into one or the other of these classes. The true rule, he submits, is that of the courts of California, Louisiana, and Mississippi. Recognizing the unique nature of the overflow waters of our great rivers, these courts treat them as composing necessarily a third distinct class, and decide that a due regard to public interests demands that landowners shall in all cases be free to redeem their lands without liability to others. This frank treatment of conditions unknown to the old law agrees with the result reached by Missouri, Indiana, Washington, and Kansas, which hold the flood waters to be surface water, and apply the common law rule; but disagrees with both the result and the reasoning of the courts of Minnesota, Georgia, Nebraska, and Texas, which classify flood waters as watercourses.

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FEDERAL INCORPORATION OF "TRUSTS." — A contributor to the American Law Review proposes a plan by which Congress can exercise effective control over the "Trusts" without the aid of a constitutional amendment. *Federal Control of Corporations*, by John Bell Sanborn, 37 Am. L. Rev. 703 (Sept.–